



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Examiner: Hayes, Robert Clinton
Kevin P. BAKER, et al.) Art Unit: 1647
Application Serial No. 10/015,499) Confirmation No. 6886
Filed: December 11, 2001) Attorney's Docket No. 39780-2830 P1C42
For: PRO1788 POLYPEPTIDES) Customer No. 35489

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PRELIMINARY AMENDMENT

MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

On May 10, 2005, the Examiner made a final rejection to pending Claims 28-35 and 38-40. A Notice of Appeal was filed on October 11, 2005, and an Appeal Brief was filed on January 11, 2006. A Notification of Non-Compliant Appeal Brief was mailed April 11, 2006. This Preliminary Amendment accompanies a Request for Continued Examination under 37 C.F.R. §1.114 for the above identified application, which is in response to the Notification of Non-Compliant Appeal Brief mailed April 11, 2006 (Paper No. 20060403), in connection with the above-identified patent application.

Applicants respectfully request consideration of the following arguments in addition to the arguments previously submitted in Applicants' Appeal Brief was filed on January 11, 2006. This Request and Preliminary Amendment is timely filed with a concurrent Request for a three-month extension of time and the requisite fee.

The present Amendment and Response is further accompanied by the submission of a Declaration under 37 C.F.R. §1.132 by Dr. Paul Polakis, with attached Exhibits A and B, and a Declaration under 37 C.F.R. §1.132 by Dr. Randy Scott.

Also filed herewith is an Information Disclosure Statement providing copies of additional articles and abstracts in support of Applicants' arguments. Applicants note that some of the references listed in the Information Disclosure Statement are provided in the form of full-text articles, while others are provided as abstracts. Applicants submit that the full-text articles are provided solely because they are available to Applicants. Applicants do not intend to make any distinction among the references, or to indicate that some references in the IDS are more pertinent or material than others. Applicants respectfully request that the information listed in the Information Disclosure Statement be considered by the Examiner and be made of record in the above-identified application.

Currently Pending Claims begin on page 3 of this paper.

Remarks/Arguments begin on page 6 of this paper.